

02/05/02

02-08-02

A

#2a



EXPRESS MAIL LABEL: EL714917145US  
PATENT

DOCKET NO.: 3610-10-1 NEAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re patent application of: **David James**

For: **STABLE EMULSIONS**

CERTIFICATION UNDER 37 CFR § 1.10

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the U.S. Postal Service in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR § 1.10, Mailing Label Number EL714917145US addressed to the: Assistant Commissioner for Patents, Washington, DC 20231.

February 5, 2002  
Date

Richard A. Parkoff

10068365 020502

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

PATENT APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find the following:

**Type of Application:**

- ☒ Utility (non-provisional)
- ☐ Divisional
- ☒ Continuation
- ☐ Continuation-In-Part (CIP)

**Incorporation by Reference:**

- ☒ The entire disclosure of the prior application, **from which a copy of the Oath or Declaration is supplied**, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference herein (37 CFR § 1.63(d))

**Benefit of Prior U.S. Application(s) Claimed (37 CFR § 1.78):**

- ☐ PLEASE ENTER THE FOLLOWING AMENDMENT TO THE SPECIFICATION UNDER THE CROSS REFERENCE TO RELATED APPLICATIONS SECTION:

- ☐ This application claims the benefit of **U.S. Provisional Application(s) No(s)**.  
60/\_\_\_\_\_, filed on \_\_\_\_\_.

- ☒ This application is a ☒ **continuation** ☐ **continuation-in-part** ☐ **divisional**  
of copending **U.S. Application Serial No(s)**. 09/581,578, filed on July 25, 2000.

- ☐ **International Application No.** \_\_\_\_\_ filed on \_\_\_\_\_ and  
which designated the U.S.

**Benefit of Prior Foreign Application(s):**

- ☒ Priority is claimed under 35 U.S.C. § 119 of Application No. PCT/AU98/01043  
filed on December 18, 1998.

- ☒ A Certified Copy of each of the following application(s) for which priority is claimed:

COUNTRY	APPLICATION NO.	FILING DATE
PCT	PCT/AU98/01043	12/18/98

- ☐ is enclosed.

- ☒ has been filed in prior Application Serial No. 09/581,578, which was filed on  
July 25, 2000.

**Application Elements Enclosed:**

- ☒ 15 Pages of Specification
- ☒ 3 Pages of Claims
- ☒      Sheets of Drawings
- ☐ Formal
- ☐ Informal
- ☐ Petition to Accept Photographs (37 CFR § 1.84(b)).
- ☒ 1 Page(s) of Abstract of the Disclosure

**Accompanying Application Parts:**

- ☐ Associate Power of Attorney
- ☐ Preliminary Amendment
- ☒ Information Disclosure Statement
- ☒ Form PTO 1449 (PTO/SB/08A, 08B)
- ☐ Copies of Cited References
- ☐ Nucleotide and/or Amino Acid Sequence Submission (37 CFR §§ 1.821-1.825).
- ☐ Microfiche (Appendix) (37 CFR § 1.96(c)).
- ☒ Return Receipt Postcard (itemized)

**Declaration or Oath and Power of Attorney:**

- ☐ New (executed original or copy).
- ☐ New (unexecuted).
- ☒ Copy from prior application (37 CFR § 1.63(d))

**Deletion of Inventor(s) (37 CFR § 1.63(d)(2), 1.33(b)):**

- ☐ Signed Statement deleting inventor(s) named in the prior application is attached.

**Assignment:**

- ☒ [X] A copy of the recorded Assignment of the invention in the parent case to: Dow Corning Australia Pty. Ltd.

**Small Entity Statements:**

- ☐ [ ] Applicant claims small entity status under 37 §§ CFR 1.9 and 1.27.

The filing fee has been calculated as shown below:

	NO. <u>FILED</u>	NO. <u>EXTRA</u>	<u>SMALL ENTITY</u>		<u>OR</u>	<u>OTHER THAN SMALL ENTITY</u>	
			<u>RATE</u>	<u>FEE</u>		<u>RATE</u>	<u>FEE</u>
BASIC FEE				\$370	<u>OR</u>		\$740
TOTAL CLAIMS	<u>20</u> - 20 = <u>0</u>		x 9 =	\$	<u>OR</u>	x 18 =	\$ 0
INDEP. CLAIMS	<u>1</u> - 3 = <u>0</u>		x 42 =	\$	<u>OR</u>	x 84 =	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM(S)			+140 =	\$	<u>OR</u>	+280 =	\$ 0
TOTAL				\$	<u>OR</u>		\$740

**Method of Payment of Fees:**

- ☐ [ ] No filing fee is to be paid at this time.
- ☐ [ ] Please charge my Deposit Account No. 04-1679 in the amount of \$\_\_\_\_\_.
- ☒ [X] A check in the amount of \$ **740.00** filing fee is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 04-1679.

**Authorization to Charge Additional Fees:**

**NOTE: if no fees are to be paid on filing, the following items should NOT be completed.**

[X] The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to Deposit Account No. 04-1679.

[x] Filing fees (37 CFR § 1.16(a), (f) or (g)).

[x] Presentation of extra claims (37 CFR § 1.16(b), (c) and (d)).

[x] Surcharge for filing the basic filing fee and/or declaration later than the filing date of the application (37 CFR § 1.16(e)).

[x] 37 CFR §§ 1.17(a)(1)-(5) (Extension fees pursuant to 37 CFR § 1.136(a)).

[x] Application processing fees (37 CFR § 1.17).

Date: 2/5/02

Richard A. Paikoff  
Richard A. Paikoff  
Registration No. 34,892

PTO Customer No. 08933  
DUANE MORRIS LLP  
One Liberty Place  
Philadelphia, PA 19103-7396  
215-979-1853 tel  
215-979-1020 fax

PH1\922991.1